

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRITTNEY S. ALLEN,

Plaintiff,

Case No. 17-14215
Hon. Denise Page Hood

v.

ENHANCED RECOVERY
COMPANY, LLC,

Defendant.

**ORDER DISMISSING PLAINTIFF'S CAUSE OF
ACTION FOR FAILURE TO PROSECUTE**

On January 7, 2019, the attorneys for Plaintiff Brittney S. Allen filed a Motion for Withdrawal of Attorney ("Motion to Withdraw"). Dkt. No. 19. The basis for the Motion to Withdraw was that, with Plaintiff's consent and approval on December 7, 2018, Plaintiff's deposition was set for December 13, 2018 at 9:00 a.m. On December 11 and 12, 2018, Plaintiff's counsel called Plaintiff and, when she did not answer, left her messages and sent text messages, to which Plaintiff did not respond. Plaintiff did not attend the scheduled deposition on December 13, 2018, and Plaintiff did not respond to her counsel's notification sent immediately after the scheduled deposition that counsel intended to withdraw as her legal counsel.

On January 24, 2019, the Court scheduled a hearing on the Motion to Withdraw

for February 4, 2019 at 11:00 a.m. Plaintiff did not attend the February 4, 2019 hearing regarding the Motion to Withdraw. At that hearing, for the reasons set forth in the Motion to Withdraw and stated on the record, the Court GRANTED the Motion to Withdraw. Plaintiff has not contacted the Court or her legal counsel since then. On March 15, 2019, Plaintiff's (former) legal counsel provided the Court with Plaintiff's last known contact information.

On April 12, 2019, the Court issued Plaintiff an Order to Show Cause Why This Case Should Not be Dismissed for Failure to Prosecute ("Order to Show Cause"). [Dkt. No. 23] The Order to Show Cause required Plaintiff to file a response on or before May 15, 2019. Plaintiff has failed to file a response or any other document since the Order to Show Cause was issued.

Accordingly, for the reasons set forth above,

IT IS HEREBY ORDERED that Plaintiff's cause of action is DISMISSED WITHOUT PREJUDICE.

IT IS ORDERED.

Date: May 21, 2019

s/Denise Page Hood
HON. DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE